

Remarks

Upon entry of the foregoing amendments, claims 44 – 62 are under consideration.

Applicants have cancelled claims 31 – 43 and added new claims 44 – 62 to more clearly and accurately define the antibodies of the instant Application. Specifically, new claims 44 – 62 are based on original claims 8 – 10 and cancelled claims 31 – 43. New claims 44 – 48 are directed to antibodies or antibody fragments which “specifically bind to a Zins2 testis-specific insulin homolog polypeptide comprising SEQ ID NO:13.” Basis for these new claims can be found in the Specification and claims as originally filed, and specifically in original claims 8 – 10 and at pg. 37, lines 17-24. Specifically, new claim 46 is based on cancelled claims 32 – 37. However, new claim 46 recites both murine and human monoclonal antibodies, humanized antibodies derived from murine monoclonal antibodies and neutralizing antibodies. Basis for new claim 46 can be found at pg. 22, lines 25-33; pg. 36, line 28 through pg. 37, line 16; and pg. 38, lines 1-16. New claims 49 – 59 are directed to antibodies or antibody fragments that specifically bind to defined epitopes of a human Zins2 testis-specific insulin homolog. Basis for these new claims can be found in the Specification and claims as originally filed, and specifically in original claims 8 – 10 and at least at pg. 6, lines 1-24; pg. 10, lines 1-27; pg. 20, lines 15-37; and pg. 47, lines 4-16. New claims 60 – 62 are directed to methods of producing the antibodies of the instant Application. Basis for these new claims can be found in the Specification as originally filed, and in particular at pg. 36, line 1 through pg. 37, line 37.

Applicants have also amended the Specification, on pg.1, lines 7-15 to reflect the status of the parent Applications.

The present amendment adds no new matter.

THE §102(B) REJECTIONS

The Examiner has rejected claims 31, 40 and 41 under 35 U.S.C. §102(b) as being anticipated by Goding, stating that Goding teaches “Fc antibody fragments, wherein said antibody would non-specifically bind to the epitopes of SEQ ID NO.13 [*sic*].”

Applicants disagree. **“To anticipate a claim, the reference must teach every claim element of the claim.”** *See e.g.*, M.P.E.P. §2131. Specifically, “[a] claim is anticipated only if *each and every element as set forth in the claim is found*, either expressly or inherently described, in a single prior art reference.” *See e.g.* Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants strongly assert that Goding does not teach every claim element of the present invention as embodied by either cancelled claims 31, 40 and 41, or new claims 44 – 62. Goding is merely a “procedural protocol” used by artisans as a *general reference*. Goding does not disclose any specific sequences related insulin, *let alone SEQ ID NO:13*. However, in order to expedite prosecution and allowance of the present Application, Applicants have cancelled claims 31 – 43 and added new claims 44 – 62 to more clearly and accurately define the present invention. Specifically, Applicants have included to new claims 44 – 62 to better define the antibodies of the instant Application, as well as methods of producing the same. Applicants have also included the language “specifically binds” to new claims 44 – 62.

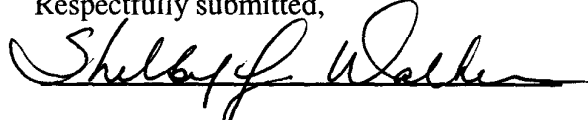
Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the Application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

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Respectfully submitted,



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Enclosures:

Petition and Fee for Extension of Time (in duplicate)
Amendment Fee Transmittal (in duplicate)
Associate Power of Attorney
Postcard

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